



PATENT APPLICATION

Docket No.: 6922.19

MICHAEL F. KRIEGER
REGISTERED PATENT ATTORNEY

**KIRTON &
McCONKIE**

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P.O. BOX 45120
SALT LAKE CITY, UTAH 84145-0120
www.kmclaw.com

FAX (801) 321-4893
TELEPHONE (801) 328-3600
E-MAIL: mkrieger@kmclaw.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- X Form PTO-1449 list of seven (7) references submitted for consideration.
- X Legible copies of the listed references or their relevant portions.
- All English translations of each nonenglish reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

The following are included within the Information Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

- Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.

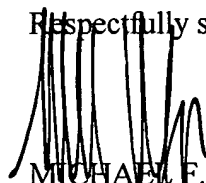
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in the identified prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☐ Promptness Certification.
- ☐ Check No. _____ in the amount of \$ _____ constituting submission fee -- see 37 C.F.R. 1.17(p)
- ☐ Petition for Consideration and Check No. _____ in the amount of \$ _____ -- see 37 C.F.R. 1.17(i)(1).
- ☒ In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Promptness Certification meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 500843 of the undersigned.

Dated this 18 day of December, 2001.

Respectfully submitted,


MICHAEL F. KRIEGER
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84145
Telephone: (801) 321-4814



PATENT APPLICATION
Docket No: 6922.19

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
)
C BRET ELZINGA ET AL.)
)
Serial No.: 09/966,655) ART UNIT
) 2152
Filed: SEPTEMBER 28, 2001)
)
For: METHOD AND SYSTEMS FOR)
PERFORMING DYNAMIC SCHEDULING)

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449, which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

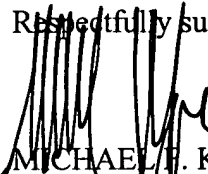
Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Dated this 18 day of December, 2001.

Respectfully submitted,


MICHAEL F. KRIEGER
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84145
Telephone: (801) 321-4814
Facsimile: (801) 321-4893

Applicant:

C. BRET ELZBETHA ET AL.

Serial No.:

09/960,099

Att'y Docket No. 6922.19

Filing Date:

SEPTEMBER 28, 2001

Group: Not yet 2152

For:

METHOD AND SYSTEM FOR PERFORMING
DYNAMIC SCHEDULINGU.S. Patent Documents

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date
_____ A1.	6,077,085	06/20/00	PARRY ET AL.	434	322	05/19/98
_____ A2.	6,035,278	03/07/00	MANSOUR	705	9	07/08/97
_____ A3.	5,890,134	03/30/99	FOX	705	9	02/16/96
_____ A4.	5,619,695	04/08/97	ARBAB ET AL.	395	670	02/03/94
_____ A5.	5,406,476	04/11/95	DEZIEL, JR. ET AL.	364	402	09/23/93
_____ A6.	5,270,920	12/14/93	PEARSE ET AL.	364	401	05/13/91
_____ A7.	5,111,391	05/05/92	FIELDS ET AL.	364	401	10/05/89

Prior Art Cited by Applicants

While the filing of prior art statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper prior art statement, Form PTO-1449 shall be accompanied by an explanation of relevance of each listed item, a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all prior art citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as prior art cited by the Examiner on Form PTO-892.

The reference designations "A1", "A2", etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A", "B", "C", etc. on Office Action Form PTO-1142.

596261.1

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.